

## REMARKS

Claims 1-13, 17, 19-21, 23, 24, 28, 29, 36-38, 41-58, 61, 63, 69, 71-73, 76, 81 and 96 are pending in this application, and subject to a Restriction Requirement. Claim 47 is amended for proper claim dependency. No claims are added or canceled, therefore after entry of this amendment, **claims 1-13, 17, 19-21, 23, 24, 28, 29, 36-38, 41-58, 61, 63, 69, 71-73, 76, 81 and 96 will be pending.**

Applicants note the previous Restriction Requirement mailed January 30, 2007, has been vacated. Applicants thank Examiner Ha for the phone call of May 25, 2007, to inform Applicants' representative, Jodi L. Connolly, that the claim amendments submitted March 28, 2007, in response to the now vacated Restriction Requirement, were not entered.

Applicants hereby elect Group 3 (claims 2, 13 and 37), **with traverse**. The claims of Group 3 are drawn to peptide material comprising ribbons or fibrils/fibres in  $\beta$ -sheet tape-like structure, antiparallel conformation, of P11-3 peptide. Applicants further elect as the species "engineering scaffold," **with traverse**.

The Office alleges that Aggeli *et al.* (*Nature* 386:259-262, 1997) disclose self-assembly of peptides into polymeric  $\beta$ -sheet tapes and a peptide that forms an antiparallel  $\beta$ -sheet. However, Aggeli *et al.* does not disclose the specific claimed class of peptides restricted to a net +/- 2 charge at physiologic pH. As described in the specification on page 8, lines 5 to 19, the specific charge confers the special property of self-assembly which is not found with net charges of +/- 3 or 4. Therefore, the claims make a contribution over the cited Aggeli *et al.* document, and Applicants request reconsideration of the restriction requirement.

If Applicants' arguments are not persuasive to rejoin Groups 1-33, Applicants request reconsideration of the restriction at least among Groups 3, 5, 10, 12, 17, 19, 23, 25, 29 and 31. The pending claims are directed to peptides comprising a net -2 (peptide P11-3) or +2 (peptide P11-5) charge at physiologic pH. Each of Groups 3, 5, 10, 12, 17, 19, 23, 25, 29 and 31 are directed to peptide P11-3 or peptide P11-5. As such, these Groups relate to a single general

inventive concept and further share a special technical feature. As discussed above, Groups 3, 5, 10, 12, 17, 19, 23, 25, 29 and 31 clearly define a contribution over the prior art, including Aggeli *et al.* Accordingly, Applicants request that the requirement for restriction be withdrawn in regard to at least Groups 3, 5, 10, 12, 17, 19, 23, 25, 29 and 31.

Applicants further request reconsideration of the requirement for election of species between “engineering scaffold” and “tissue engineering.” Applicants submit these species are inter-related and do not represent distinct species. For example, claim 45 recites “wherein the material is in the form of a *tissue engineering scaffold*.” In addition, the specification states that the fibrils and fibres “can be used to make highly ordered *scaffolds for tissue engineering*...” (see page 6, lines 25-29). Accordingly, Applicants request that the requirement for election of species between “engineering scaffold” and “tissue engineering” be withdrawn.

Applicants note claims 1, 3-7, 9, 10, 12, 19, 23, 24, 28, 29, 36, 38, 41-58, 71-73, 76, 81 and 96 link the claims of Groups 1 to 33. Thus, upon indication of allowability of a linking claim(s), any claim depending from or otherwise comprising all limitation of the linking claim(s), will be entitled to examination. Similarly, in regard to election of species, Applicants will be entitled to examination of additional species upon indication of allowability of a generic claim.

If there are any questions regarding this Amendment and Response, the Examiner is invited to telephone the undersigned.

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